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opinion

March 10
1958

Paul E. Farnum
Acting Commissioner of
Education
State House Annex
Concord, New Hampshire

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CONCORD, N.H.

Dear Mr. Farnum:

Your letter of March 10, 1958 addressed to Attorney General Louis C. Wyman has been referred to me for reply.

In your letter you requested the opinion of this office as to whether or not joint special committees chosen in accordance with the provisions of RSA 199:3 have any authority to make recommendations with respect to the size of an appropriation for the purchase of a site for a new school building. We reply in the negative. RSA 199:3 provides as follows:

"199:3 Construction in Cities. No schoolhouse shall be erected, altered, remodeled or changed in any city school district unless the plans thereof have been previously submitted to the school board of that district and received its approval, and all new schoolhouses shall be constructed under the direction of a joint special committee, chosen in equal numbers by the city councils and the school board."

It seems clear to us from the language of this statute that the functions of such committees are limited to directing the construction of new school houses. We find nothing in the statute evidencing a legislative intent to grant any authority to such special joint committees with respect to appropriations for the purchase of school building sites. Indeed the sole power to select and purchase school house lots has been expressly granted to the school board of cities while appropriations for the purchase of such lots are made by vote of the city councils. In this connection we refer you to RSA 199:2 which provides as follows:

"199:2 Location in Cities. The school board of cities shall have sole power to select and purchase land for schoolhouse lots. When said board has secured, by vote of the city councils, an adequate appropriation for the purchase of a specified lot at a specific price, said board may make the purchase."

Very truly yours,

George T. Ray, Jr.
Assistant Attorney

CTR/g.